

Order

Michigan Supreme Court
Lansing, Michigan

March 8, 2016

Robert P. Young, Jr.,
Chief Justice

151591-2 & (104)(105)(106)(109)(110)

Stephen J. Markman
Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Joan L. Larsen,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 151591
COA: 317812
Wayne CC: 12-005075-FC

MARK CARTER,
Defendant-Appellant.

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 151592
COA: 317828
Wayne CC: 12-000953-FC

MARK CARTER,
Defendant-Appellant.

On order of the Court, the motions to add issues, to exceed page limits, and to supplement application for leave to appeal are GRANTED. The motions to hold in abeyance and to amend motion to hold in abeyance are DENIED. The application for leave to appeal the March 17, 2015 judgment of the Court of Appeals is considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we REMAND these cases to the Wayne Circuit Court to determine whether the court would have imposed a materially different sentence under the sentencing procedure described in *People v Lockridge*, 498 Mich 358 (2015). On remand, the trial court shall follow the procedure described in Part VI of our opinion. If the trial court determines that it would have imposed the same sentence absent the unconstitutional constraint on its discretion, it may reaffirm the original sentence. If, however, the trial court determines that it would not have imposed the same sentence absent the unconstitutional constraint on its discretion, it shall resentence the defendant. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court.

We do not retain jurisdiction.



s0229

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 8, 2016

Clerk